

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

AUG 20 2007

JEREMY VAUGHN PINSON,  
PLAINTIFF,

DAVID J. MALAND, CLERK  
BY  
DEPUTY Am

v.

CASE NO.

1107CV0580

Judge Clark

DANIEL IBARRA GUTIERREZ,  
MOISES RAMIREZ\_JAMAICA,  
DEFENDANTS,

COMPLAINT (CIVIL)

**A. PARTIES**

1. The Plaintiff, Jeremy Vaughn Pinson, is a Citizen of Texas who presently is incarcerated at the United States Penitentiary in Beaumont, Texas.
2. The First Defendant, Daniel Ibarra Gutierrez, is a Citizen of Mexico who is presently incarcerated at the United States Penitentiary in Beaumont, Texas.
3. The Second Defendant, Moises Ramirez-Jamaica, is a Citizen of Mexico who is presently incarcerated at the United States Penitentiary in Beaumont, Texas.

**B. JURISDICTION**

Jurisdiction is asserted pursuant to Title 28, United States Code, Sections § 1332, and § 1357.

### C. VENUE

Venue is asserted to be the United States District Court for the Eastern District of Texas pursuant to Title 28, United States Code Section § 1391(d).

### D. BACKGROUND

The Plaintiff, Jeremy Pinson, was placed into the Special Housing Unit at the United States Penitentiary in Beaumont, Texas on July 10, 2007 in transit from the Special Housing Unit from the Federal Correctional Institution (Low-Security) where he had been housed pending transfer from the USP. On the morning of July 21, 2007 the Defendant's Gutierrez and Ramirez-Jamaica were placed into the cell the Plaintiff was housed in by Senior Officer Watts. The two of them were housed in the Special Housing Unit pending a Threat Assessment by the Special Investigations Service of the Federal Bureau of Prisons and an Administrative Detention Order signed by Lt. K. Russo the USP Special Investigations Lieutenant due to the Defendant's claims to be members of the PAISA gang on July 20, 2007. The Plaintiff who is not a member of nor affiliated with any gang accepted the two as cell-mates not expecting any difficulties. The Defendants are not Citizens of the United States and claimed to be Citizens of Mexico who were imprisoned for illegal re-entry into the United States in violation of the laws of the United States. On July 28, 2007 the Defendants asked the Plaintiff to move to another cell and when he refused to do so they assaulted him and the Defendant Gutierrez sexually assaulted the Plaintiff by sodomizing and raping him in violation of Title 18, United States Code, Section § 2031 and Title 18, U.S.C., Section § 111. On July 30, 2007 at approximately 3:30 A.M. Lt. Van Ness of the Bureau of Prisons, RN D. Lee of the University of Texas Medical Branch, 2 Senior Corrections Officer and an examiner conducted a Sexual Assault Examination Kit and took photographs of the Plaintiff's injuries, anal tears, and other forensic evidence collection.

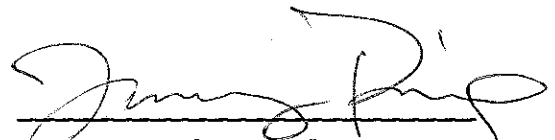
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#### E. CAUSE OF ACTION

1. The Defendants physically harmed the Plaintiff in a heinous fashion in violation of the laws of the United States on Federal property.
2. The Defendants are illegal aliens imprisoned for their illegal entry into the United States and committed a crime against a Citizen of the United States, the Plaintiff.
3. The Plaintiff suffered physical and extreme emotional injury as a result of the Defendants actions.
4. There is no remedy for claims against the defendants in any other court of law as Jurisdiction and venue is proper.

#### F. REQUESTED RELIEF


1. Actual Damages in the amount of \$50,000.00 per Defendant for the wanton infliction of physical pain and injury against the Plaintiff.
2. Punitive Damages in the amount of \$250,000.00 per Defendant for the predatory nature of the assault and the emotional trauma that was inflicted and the future emotional trauma to be endured for the assault having occurred.



Jeremy Pinson #16267-064  
United States Penitentiary  
P.O. Box 26030  
Beaumont, TX, 77720-6030

#### DECLARATION UNDER PENALTY OF PERJURY

I SWEAR AND AFFIRM THAT THE FACTS CONTAINED IN THIS COMPLAINT ARE TRUE AND CORRECT AND THAT I AM THE PLAINTIFF IN THIS CIVIL ACTION PURSUANT TO TITLE 28, UNITED STATES CODE, SECTION § 1746.



Jeremy Pinson